

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

AUGUST 21, 2008

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
(See Adoption Public Hearing for Round 08-1 Agenda)

- 2. SPECIAL PRESENTATIONS**
 - A. Proclamation declaring August 2008 as “Local 2928 Firefighter Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Kanjian)

 - B. Proclamation declaring August 2008 as “Purple Ribbon Month” in Palm Beach County. (Sponsored by Commissioner Koons)

- 3. REGULAR AGENDA**
 - A. CLERK & COMPTROLLER**
 1. [Staff recommends motion to approve:](#) Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide

 - B. COUNTY ATTORNEY**
 1. [Staff recommends motion to:](#)
 - A) adopt** a Resolution declaring that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with Town of Highland Beach prior to court proceedings;

 - B) direct staff** to initiate litigation, as appropriate to resolve the County’s conflict with the Town of Highland Beach over the County’s pending special exception permit application for a park; and

 - C) direct staff** to initiate intergovernmental conflict resolution procedures during the pendency of litigation.

- SUMMARY:** This action will declare that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with the Town of Highland Beach prior to court proceedings, will authorize litigation, and will authorize the commencement of intergovernmental conflict resolution procedures during the pendency of litigation. District 4 (ATP)

3. REGULAR AGENDA CONTINUED

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve an Interlocal Agreement with the Solid Waste Authority (SWA) for the supply of fill material from the Winding Waters Natural Area; and

B) authorize the County Administrator, or his designee, to sign all future time extensions and necessary minor amendments that do not change the scope of work or terms and conditions of this Agreement.

SUMMARY: The Winding Waters Natural Area Restoration Project includes a large-scale wetland restoration and creation project. The creation of wetland habitat will result in a surplus of fill material (approximately 1.4 million cubic yards). The SWA has determined that the fill material at Winding Waters Natural Area is suitable for landfill liner cover. SWA is in need of suitable fill material. The Interlocal Agreement addresses the delivery of and payment for the fill material. A Budget Amendment in the Natural Areas Fund will be submitted when the first fill exchange occurs in Fiscal Year 2009. District 2 (SF)

4. **BOARD APPOINTMENT**

A. **ADMINISTRATION**

(Green Task Force on Environmental Sustainability and Conservation)

1. **Staff recommends motion to:**

A) adopt Resolution amending Resolution R2008-1007 to delete the LEED Accreditation requirement for the licensed professional engineer member and the licensed professional residential builder member; and

B) appoint the following individuals to the Green Task Force on Environmental Sustainability and Conservation for terms commencing on August 19, 2008, and ending upon completion of the Task Force mission, sunseting or disbandenment of the Task Force, or upon resignation or replacement by the Board of County Commissioners.

| <u>Seat</u> | <u>Name</u> | <u>Requirement</u> | <u>Nominated By</u> |
|--------------------|--|------------------------------------|---|
| 2 | | Citizen w/ various exper. | District 1 - Comm. Marcus |
| 3 | Tricia Ward Waldman | Citizen w/ various exper. | District 2 - Comm. Koons |
| 4 | Greg Rice | Citizen w/ various exper. | District 3 - Comm. Kanjian |
| 5 | Susan Haynie | Citizen w/ various exper. | District 4 – Comm. McCarty |
| 6 | Rep. Maria Sachs | Citizen w/ various exper. | District 5 – Comm. Aaronson |
| 7 | Mark S. Beatty | Citizen w/ various exper. | District 6 – Comm. Santamaria |
| 8 | Andrew Luchey | Citizen w/ various exper. | District 7 – Comm. Greene |
| 9 | Robert Gottlieb | Municipal Representative | League of Cities |
| 10 | Joseph Snider | S. FL Chapter, USGBC | US Green Building Council |
| 11 & 12 | Jayne King Drew Martin Cynthia Plockelman Patricia Welch (pick two of four) | Environmental Organizations | Sierra Club Sierra Club Audubon Society of Everglades PalmNet Comm. Kanjian |
| 13 | Maureen Kussler | Architect - LEED Accreditation | Comm. Kanjian |
| 14 | Bruce Loren | Attorney - LEED Accreditation | Comm. Kanjian |
| 15 | Richard Goodwin, P.E. | Engineer | Comm. Kanjian |
| 16 | J.P. DiMisa | Res. Builder | Comm. Kanjian |
| 17 | John Banting | Comm. Builder – LEED Accreditation | Comm. McCarty Comm. Santamaria |

SUMMARY: The Task Force is comprised of 16 members as listed above, plus one member of the Board of County Commissioners serving as Chair. Commissioner Kanjian was selected as the BCC representative and Task Force Chair on June 3, 2008. For the remaining seats, written notice was sent to each Commissioner to request nominations in accordance with PPM CW-O-023. The Task Force makeup includes district appointments and at-large appointments. Four (4) of the at-large members (Seats 9, 10, 11, & 12) are nominated by outside organizations in accordance with the establishing resolution. LEED accreditation is being deleted due to lack of eligible appointees. Countywide (GB)

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ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 21, 2008

ITEM

3A-2* **ADD-ON:** Warrant List (Clerk & Comptroller)

3D-1* **ADD-ON:** [Staff recommends motion to:](#)

A) adopt a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 2 (JPA) FM No. 42317819401 amending the Scope of the original agreement to include the cost of construction for \$1,500,000;

B) approve Amendment of Federal Grant FL-90-X627 to change the scope of the original agreement to include the purchase of three (3) hybrid buses for \$1,661,344;

C) approve a Budget Transfer of \$161,344 decreasing the transfer from Palm Tran Grants Fund to the Public Building Improvement Fund; and

D) approve a downward Budget Amendment of \$161,344 in the Public Building Improvement Fund to reallocate capital project funding to the Palm Tran Grants Fund to purchase three (3) hybrid buses.

SUMMARY: FDOT is amending the scope of JPA FM No. 42317819401 (R2007-2301) to allow up to \$1.5 million of grant funds to be used for the construction of the West Palm Beach Intermodal Facility (100% state funds, no match required). The JPA, as originally approved, allowed grant funds to be used to implement a limited stop/express transit service between Stuart (Martin County) and West Palm Beach (WPB), with the final service stop located at the WPB Intermodal Facility. Thereafter, the JPA was amended to provide funds to be used to purchase three (3) hybrid buses for the Express Service and to pay their operating costs for three (3) years. FDOT and Federal Transit Administration (FTA) have now agreed that Palm Tran may purchase the Express Service buses with Federal funds, using FTA Grant FL-90-X627, and use \$1.5 million of funds provided under FDOT's JPA to construct the WPB Intermodal Facility. As a result, FDOT will fund 100% of the cost of constructing the WPB Intermodal Facility. FDOT has also provided an additional \$2.7 million, under a different JPA, which will be used to fund the construction of the WPB Intermodal Facility bringing FDOT's total contribution to the WPB Intermodal construction budget to \$4.2 million. A Purchase Order (PO) for the hybrid buses, in the amount of \$1.6 million, was originally issued under JPA FM No. 42317819401. The PO will now be funded from the Federal grant, which accounts for the difference of \$161,344 listed on the budget amendment and transfer. Countywide (DR) (Palm Tran)